

FACTSHEET

TITLE: SPECIAL PERMIT NO. 2045, HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION COMMUNITY UNIT PLAN, requested by Lyle Loth of ESP on behalf of Hartland Homes, Inc., to create 56 lots for single family units, with associated waiver requests, on approximately 20 acres generally located at N.W. 56th Street and W. Thatcher Lane.

STAFF RECOMMENDATION: Conditional Approval, including approval of all waiver requests.

ASSOCIATED REQUESTS: Annexation No. 03008 (04-119) Annexation Agreement (04R-143); and Change of Zone No. 04013 (04-120).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/17/04
Administrative Action: 03/17/04

RECOMMENDATION: Conditional Approval, as revised by staff on March 17, 2004 (8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This community unit plan and the associated annexation and change of zone request were heard at the same time before the Planning Commission. The proposal is to develop 56 lots in R-3 zoning. Most of the property is already zoned R-3, except for approximately 1 acre.
2. The applicant has requested the following waivers:
 - preliminary plat process;
 - to allow sanitary sewer lines to run opposite street grades;
 - to allow the transfer of sanitary sewer from one basin to another;
 - to allow lots to exceed the 3:1 lot depth-to-width ratio;
 - to allow lots with less than the minimum required lot width; and
 - to allow lots with less than the minimum required area.
3. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.4-5, concluding that, with the conditions of approval, the proposal is in conformance with the Comprehensive Plan, the zoning ordinance and the subdivision ordinance.
4. The applicant's testimony is found on p.12, agreeing with the conditions of approval as recommended by the staff, including the additional conditions submitted on March 17, 2004 (p.24-27).
5. There was no testimony in opposition; however, the record consists of a letter from David Chambers (p.23) advising of the private landing strip which he owns northwest of the proposed development. The staff response to the private landing strip is found on p.24, and condition of approval #1.1.11 was added to disclose this information in the subdivision agreement (See p.6).
5. On March 17, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as revised by staff on March 17, 2004.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been satisfied. However, the applicant is expected to contest one of the conditions in the annexation agreement at the City Council hearing (See 04R-143).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2004\SP.2045

DATE: June 14, 2004

DATE: June 14, 2004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2004 PLANNING COMMISSION MEETING

****As revised by staff and recommended for conditional approval by Planning Commission on March 17, 2004****

P.A.S.: Annexation #03008, Change of Zone #04013, **Special Permit #2045**

PROPOSAL: To create 56 lots, annex approximately 20 acres and change the zoning on a portion from AG, Agriculture to R-3, Residential.

LOCATION: NW 56th Street and W. Thatcher Lane.

WAIVER REQUEST:

Eliminate the preliminary plat process
Allow sanitary sewer lines to run opposite street grades
Allow the transfer of sanitary sewer from one basin to another
Allow lots to exceed the 3:1 lot depth to width ratio
Allow lots with less than the minimum required lot width
Allow lots with less than the minimum required area

LAND AREA: 20.92 acres, more or less (annexation and CUP)
Less than 1 acre (change of zone)

CONCLUSION: With conditions the proposal is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

RECOMMENDATION:

Annexation #03008

Approval

Change of Zone #04013

Approval

Special Permit #2045

Conditional Approval

Eliminate the preliminary plat process

Approval

Allow sanitary sewer lines to run opposite street grades

Approval

Allow the transfer of sanitary sewer from one basin to another

Approval

Allow lots to exceed the 3:1 lot depth to width ratio

Approval

Allow lots with less than the minimum required lot width

Approval

Allow lots with less than the minimum required area

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See two attached legal descriptions.

EXISTING ZONING: R-3, Residential and AG, Agriculture.

EXISTING LAND USE: Farm.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	R-3, Residential
South:	Undeveloped	AG, Agriculture
East:	Residential	R-3
West:	Undeveloped	AG

HISTORY: The original submittal (11/26/03) was for the entire 80 acre tract owned by the applicant, however, it was determined that the entire tract could not be served with either water or sanitary sewer. Therefore, the application was reduced to the eastern 20 acres, as it is now presented.

The area was zoned A-2, Single Family Dwelling District until it was updated to R-3, Residential during the **1979** zoning update. The zoning classification followed what the Public Works and Utilities Department believed could be provided with sewer, but did not reflect whether or not there was water pressure.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential in the Comprehensive Land Use Plan. (F-25)

The area is shown within the future service limit. (F-27)

Guiding Principles for New Neighborhoods indicates:

“Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area; Similar housing types face each other: single family faces single family, change to different use at rear of lot; Parks and open space within walking distance of all residences; Multi-family and elderly housing nearest to commercial area; Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads; Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites)”. (F-67)

“Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods”. (F-17)

UTILITIES: Will be provided in NW 56th Street.

TOPOGRAPHY: Sloping to the middle of the plat with a drainage depression running north-south through the center of the plat. The area drains south toward Outlot B, which is the lowest point of the plat and is shown for stormwater drainage.

TRAFFIC ANALYSIS: NW 56th Street is presently a two lane gravel road. The development east of this property was required to pave NW 56th Street as part of that development. NW 56th Street is shown as an urban minor arterial. Internal streets are all local.

A pedestrian trail is shown along Adams Street and NW 48th Street (F-95).

The boundaries of the plat are within the turning zone of the Airport Zoning Map. The Airport Zoning regulations indicate that areas within the turning zone shall not have a height in excess of 150 feet above the elevation at the closest point on the nearest runway, which is the south runway with a height of 1195.45 NAVD 1988. The applicant needs to note this on the plan.

PUBLIC SERVICE: The nearest fire station is #11, Lincoln Air Park West at 3401 NW Luke Street, approximately 1.25 miles from this site. Olympic Heights Public Park is to the northeast of this plat.

The Parks and Recreation Department determined they did not want park land dedication with this plat and opted for the collection of impact fees.

REGIONAL ISSUES: Much of this area, not including the area of the special permit, has elevations higher than can be provided with adequate water pressure for residential uses. Due to the lack of water pressure much of the land north and west of this site cannot be developed until water pressure issues are resolved.

ENVIRONMENTAL CONCERNS: The developer is preserving a stand of trees in Outlot B. The land to the north is very unique, including deep gullies and is heavily wooded for Lancaster County.

AESTHETIC CONSIDERATIONS: The preservation of existing mature trees is a wonderful asset to this project.

ANALYSIS:

1. This is a request to annex approximately 20 acres and develop 56 lots. Most of the area is already zoned R-3, Residential. The developer agreed to preserve most of the existing trees by showing them in Outlot B.
2. When the existing zoning line was created, the intent was to follow the ridge line to indicate the sewerable area. At the time, the technology was not detailed enough and the zoning line must be adjusted. The request for the change of zone follows the ridgeline and indicates the area which can be served with sanitary sewer. The Public Works and Utilities Department agrees with this interpretation of the contours and does not object to the request.
3. The developer requests waivers which are consistent with many community unit plans, including allowing lots to exceed the 3:1 lot depth to width ratio, allowing lots with less than the minimum required lot width, and allowing lots with less than the minimum required area. Planning staff recommends approval to these waivers because they are consistent with the intent of the CUP ordinance in allowing creative methods to preserve natural features. An existing tree mass is being preserved in Outlot B.
4. The Public Works and Utilities Department indicated they do not oppose the waiver requests because of the following reasons: The requested waiver for running sanitary sewer opposite street grade is acceptable as it does not cause the sewer depth to be in excess of design standards. The requested waiver for transferring sewer from one basin to another is acceptable to Public Works as the Waste Water section has stated that the addition of this plat does not cause capacity problems down stream.

5. The Public Works and Utilities Department indicated that according to the grading and drainage plan, portions of the project are to drain to the proposed detention cell via a storm sewer system. The pipe sizing calculations shown on the grading and drainage plan do not reflect this assumption and must be revised.
6. The Building and Safety Department Fire Prevention/Life Safety Code section indicated the site plan is deficient in showing fire hydrants.
7. The Public Works and Utilities Department Watershed Management section indicated that a geotechnical engineer or a professional geologist must certify that the soil data supplied from the soil survey maps is still appropriate. If the soil survey maps are not appropriate, a subsurface investigation shall be performed and an explanation on how the soil properties will affect the development shall be submitted (26.15.020-e)

CONDITIONS for Special Permit #2045:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 Density calculations.
 - 1.1.2 Indicate the purpose of Outlots A and C.
 - 1.1.3 Indicate the lot area for all lots.
 - 1.1.4 Show minimum opening elevations along the drainageway.
 - 1.1.5 Certification from a geotechnical engineer of the soil characteristics to the satisfaction of the Public Works and Utilities Department Watershed Management Department.
 - 1.1.6 A note indicating that this area is within the airport turning zone and all construction must be in conformance with the airport zoning regulations.
 - 1.1.7 Revisions to the satisfaction of the Building and Safety Fire Prevention/Life Safety Code Department.

- 1.1.8 Revisions to the grading and drainage plat to the satisfaction of the Public Works and Utilities Department.
- 1.1.9 All requested LES easements.
- 1.1.10 All required waivers in the waivers table on the site plan.
- 1.1.11 Show a note on the site plan indicating the developer will disclose in the subdivision agreement that a private landing strip exists to the northwest of this property.

1.2 Revise the landscape plan to show:

- 1.2.1 All required screening.
- 1.2.2 Indicate trees to remain.
- 1.2.3 A note to the landscape and site plan to indicate that trees in Outlot B are to remain.
- 1.2.4 The landscape plan so that it matches the site plan layout.
- 1.2.5 Revisions as requested by the Parks and Recreation Department.

2. This approval permits 56 dwelling units and allows the following modifications: Allow sanitary sewer lines to run opposite street grades, allow the transfer of sanitary sewer from one basin to another, allow lots to exceed the 3:1 lot depth to width ratio, allow lots with less than the minimum required lot width, and allow lots with less than the minimum required lot area

The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 7 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City after:

3.3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

3.3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

3.3.2.1 to complete the street paving of NW 57th, NW 58th Streets, W. Partridge Lane and W. Thatcher Lane, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

3.3.2.2 to complete the installation of sidewalks along both sides of NW 57th, NW 58th Streets, W. Partridge Lane, W. Thatcher Lane and along the west side of NW 56th Street as shown on the final plat within four (4) years following the approval of the final plat.

3.3.2.3 to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

3.3.2.4 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

3.3.2.5 to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

- 3.3.2.6 to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.
- 3.3.2.7 to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
- 3.3.2.8 to complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.
- 3.3.2.9 to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- 3.3.2.10 to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- 3.3.2.11 to complete the installation of temporary turnarounds and barricades located at the temporary dead-end of NW 57th, NW 58th Streets, W. Partridge Lane and W. Thatcher Lane within two years following the Planning Commission's approval of this final plat.
- 3.3.2.12 to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 3.3.2.13 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

- 3.3.2.14 to complete the public and private improvements shown on the Community Unit Plan.
- 3.3.2.15 to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.2.16 to submit to the lot buyers and home builders a copy of the soil analysis.
- 3.3.2.17 to pay all design, engineering, labor, material, inspection, and other improvement costs.
- 3.3.2.18 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.3.2.19 to protect the trees that are indicated to remain during construction and development.
- 3.3.2.20 to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- 3.3.2.21 to relinquish the right of direct vehicular access from Lot(s) 1-18, Block 1 and Lot 1, Block 2 to NW 56th street.

3.3.2.22 to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

3.3.2.23 to disclose to potential purchasers that a private landing strip exists to the northeast of this property.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner, 441-6373, rhomer@ci.lincoln.ne.us
Planner

DATE: February 12, 2004

APPLICANT: Lyle Loth
ESP
601 Old Cheney Road, Suite A
Lincoln, NE 68512
(402)421-2500

OWNER: Hartland Homes, Inc.
P.O. Box 22787
Lincoln, NE 68542-2787

CONTACT: Lyle Loth
(402)421-2500

**ANNEXATION NO. 03008,
CHANGE OF ZONE NO. 04013
and
SPECIAL PERMIT NO. 2045,
HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION
COMMUNITY UNIT PLAN**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 17, 2004

Members present: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand; Krieser absent.

Staff recommendation: Approval of the annexation and change of zone, and conditional approval of the community unit plan.

Ex Parte Communications: None.

Ray Hill of Planning staff submitted new information for the record, including a letter from David Chambers, not in opposition, but bringing attention to the fact that he owns land to the north of this area with a private landing strip. Hill also submitted revised conditions of approval, including a condition that future land owners be made aware of the landing strip that exists to the north. The revised staff recommendation also contains a long list of standard conditions found in the approval of a preliminary that were not included with the original conditions. These additional conditions have been provided to the applicant and the applicant is agreeable.

Proponents

1. Duane Hartman of Hartland Homes, the applicant, 6230 S. 31st Street, appeared to answer any questions and agreed with the additional conditions of approval.

Marvin inquired as to how often there are flights occurring on the private landing strip. Hartman did not know but he believes it is fairly infrequently used.

There was no testimony in opposition.

ANNEXATION NO. 03008

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 17, 2004

Carlson moved approval, seconded by Larson and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04013

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 17, 2004

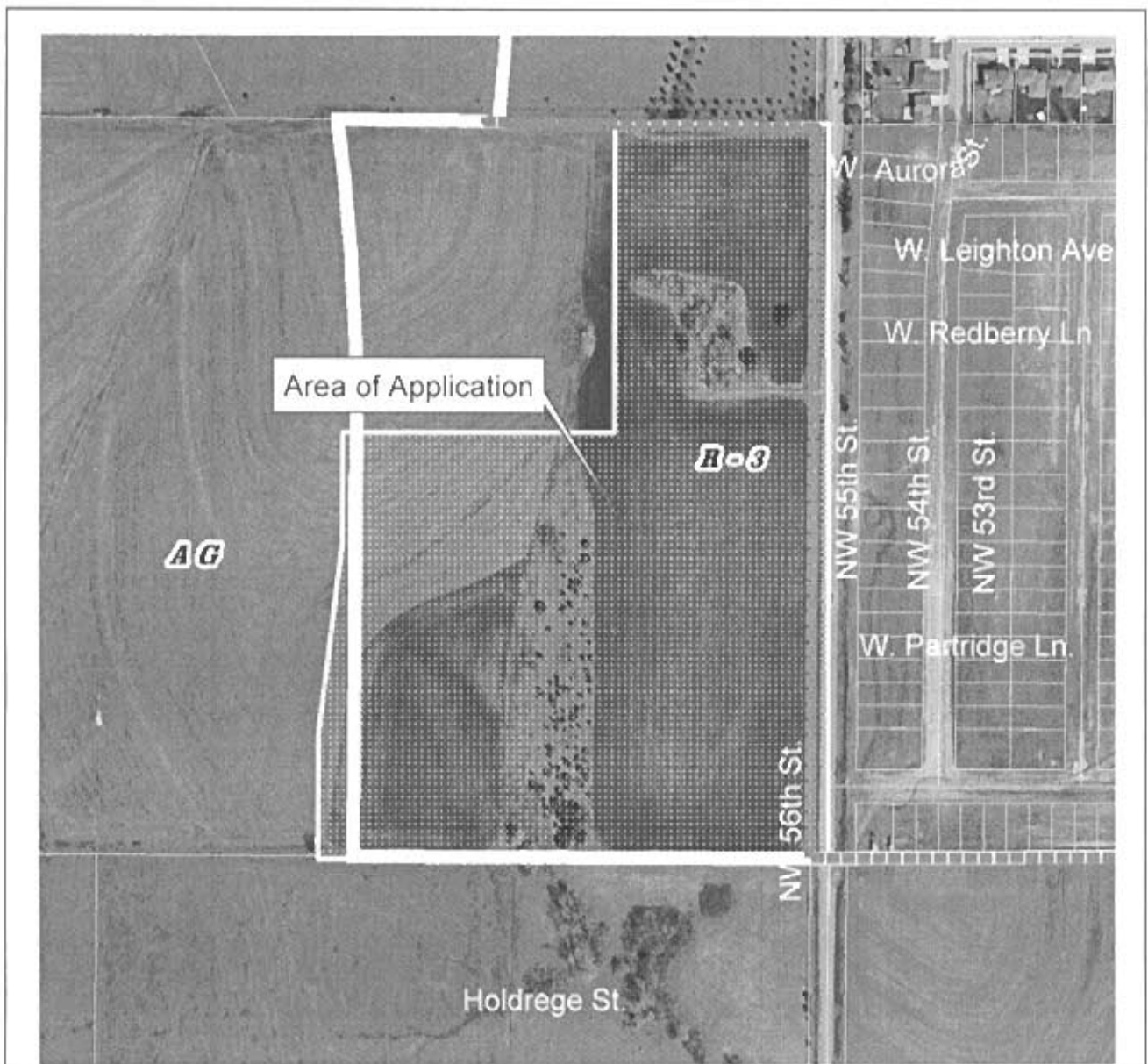
Carlson moved approval, seconded by Larson and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 2045

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 17, 2004

Carlson moved to approve the revised staff recommendation of conditional approval, seconded by Larson and carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Krieser absent. This is a recommendation to the City Council.



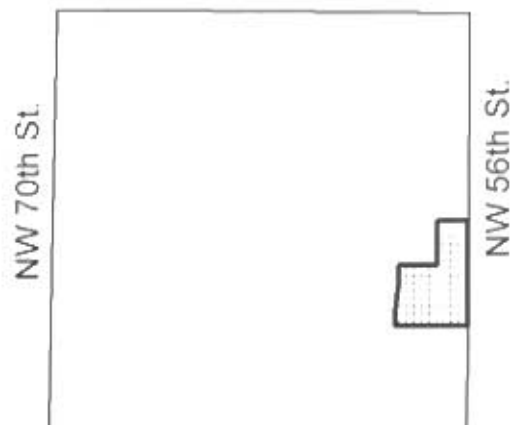
Special Permit #2045
Annexation #03008
NW 56th & W. Holdrege St.
Cardinal Heights 2nd Add.
Zoning:

2002 aerial

W. Adams St.

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 13 T10N R5E



W. Holdrege St.

annexation + cur

LEGAL DESCRIPTION

A part of the North Half of the Southeast Quarter of Section 13, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, more particularly described as follows:

Beginning at the Southeast Corner of said North Half and extending thence N 00°00'00", E, 1320.16 feet to the East Quarter Corner of said Section 13;

Thence S 89°56'40" W,	390.00 feet;
Thence S 00°00'00" W,	555.80 feet;
Thence N 90°00'00" W,	495.30 feet;
Thence S 00°00'00" W,	190.00 feet;
Thence S 07°22'36" W,	352.88 feet;
Thence S 00°00'17" E,	224.10 feet;

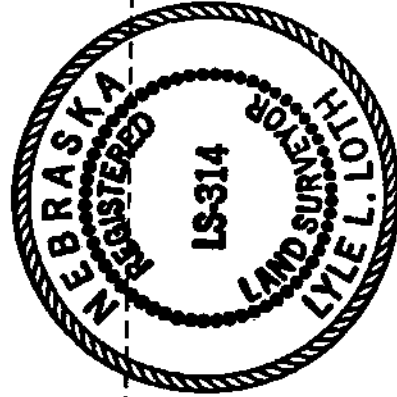
Thence N 89°59'43" E, 930.59 feet to the point of beginning containing 20.92 acres, more or less.

SURVEYOR'S CERTIFICATE

I hereby certify that this survey was made under my direct supervision and that I am a Licensed Surveyor under the laws of the State of Nebraska.

Lyle L. Loth

Lyle L. Loth, L.S. 314



2-10-2004

MAR 4 2004

LINDA M. LANDAUER
COUNTY CLERK

R-3 Zoning Line

880.00' West of NW 56th St.

S 89° 56' 40" W 390.00'

**HARTLAND'S
CARDINAL
HEIGHTS
2ND ADD.
COMMUNITY
UNIT PLAN**

S 00° 00' 00" W 555.80'

OUTLOT 'C'

R - 150' C

N 90° 00' 00" W 495.30'

S 00° 00' 00" W
190.00'

BLOCK 4

NW 57TH STREET

W. THATCHER LANE

S 07° 22' 36" W
352.88'

NW 56TH STREET

OUTLOT 'B'
(For Stormwater
Drainage)

BLOCK 3

W. PARTRIDGE LANE

S 00° 00' 17" E
224.10'

BLOCK 6

N 89° 59' 43" E 930.59'

NW 56TH STREET N 00° 00' 00" E 1320.16'

Memorandum

To:	Becky Horner, Planning Department
From:	Dennis Bartels, Public Works and Utilities Chad Blahak, Public Works and Utilities
Subject:	Hartland's Cardinal Heights 2nd Addition CUP
Date:	February 23, 2004
cc:	Randy Hoskins

Engineering Services has reviewed the re-submitted Hartland's Cardinal Heights 2nd Addition CUP, located west of Northwest 56th and south of West Adams Street, and has the following comments:

- According to the grading and drainage plan, portions of the project are to drain to the proposed detention cell via a storm sewer system. The pipe sizing calculations shown on the grading and drainage plan do not reflect this assumption and should be revised.
- The requested waiver for running sanitary sewer opposite street grade is acceptable as it does not cause the sewer depth to be in excess of design standards. The requested waiver for transferring sewer from one basin to another is acceptable to Public Works as the Waste Water Department has stated that the addition of this plat does not cause capacity problems down stream.



Dennis L Roth

12/01/2003 11:19 PM

To: Rebecca D Horner/Notes@Notes

cc:

Subject: re: Hartlands Cardinal Heights, 2nd Add

PROJ NAME: Hartlands Cardinal Heights, 2nd Add, CUP
PROJ NMBR: SP# 2045
PROJ DATE: 11/26/03
PLANNER: Becky Horner

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS: NW 56 St, NW 57 St, NW 58 St, W Partridge Ln and W Thatcher Ln

PRIVATE: none

COMMENTS:

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: February 20, 2004

Re: Hartland's Cardinal Heights 2nd CUP

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. Due to Section 26.23.160 of the Land Subdivision Ordinance, at the City's discretion, the dedication of suitable park land for neighborhood parks as part of the platting process or paying impact fees with the submission of building permits, or a combination of both may be required. The Lincoln Parks Department, at this time is requesting impact fees in lieu of park land dedication.
2. All outlot areas to be maintained by the developer and/or future homeowner's association.
3. Note the following changes for street tree locations:
 - NW 58th Street- Autumn Purple Ash
 - NW 57th Street – Red Sunset Maple
 - NW 56th Street – Patmore Ash
 - W. Partridge Lane – Skyline Honeylocust
 - W. Thatcher – Autumn Blaze Maple
4. A final landscape plan does not need to be resubmitted but must accompany the final plat with the above corrections.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



**CITY OF LINCOLN
NEBRASKA**

MAYOR COLEEN J. SENG
www.lincoln.ne.us

**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

MEMORANDUM

To:

From:

Subject:

2/20/2004

Becky Horner

Devin Biesecker

Cardinal Heights 2nd

Ben Higgins, Chad Blahak

Below are Watershed Management's comments for Cardinal Heights 2nd four sheet plan set dated February 11, 2004 by the Planning Department.

1. Minimum opening elevations are needed for Lots 1,2 and 12-17 on Block 3 adjacent to the detention facility (26.15.020-b-8). The grading on the plat shows the 100 year water surface elevation below most lot elevations but to ensure that individual builders will not significantly change the grading shown on the grading plan minimum opening elevations are needed.

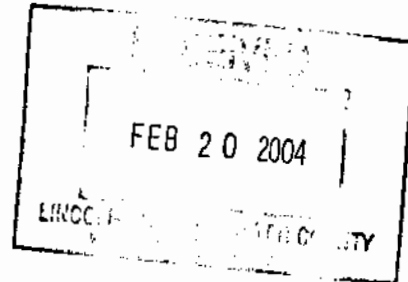
2. A geotechnical engineer or a professional geologist must certify that the soil data supplied from the soil survey maps is still appropriate. If the soil survey maps are not appropriate, a subsurface investigation shall be performed and an explanation on how the soil properties will affect the development shall be submitted (26.15.020-e)

019

INTER-DEPARTMENT COMMUNICATION

-LES

DATE: February 20, 2004
TO: Becky Horner, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 21N-58W



Attached is the C.U.P. for Hartland's Cardinal Heights 2nd Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with a blanket utility easement over Outlots B & C.

Sharon Theobald



MICHAEL WOOLMAN
<lpd737@CJIS.CL.LINC
OLN.NE.US>

12/30/2003 11:18 AM

To: R Homer <RHomer@cl.lincoln.ne.us>
cc:
Subject: Cardinal Heights 2nd Addition

Ms. Horner,

The Lincoln Police Department does not object to the Cardinal Heights 2nd Addition CUP and Annex.

Sergeant Michael Woolman
Lincoln Police Department

020

IMPORTANT

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Permit # **DRF03137**

Address

Job Description: Development Review - Fire

Location: CARDINAL HEIGHTS 2ND ADD

Special Permit:

Preliminary Plat:

Use Permit:

CUP/PUD: Y 2045

Requested By: BECKY HORNER

Status of Review: Denied

12/18/2003 12:50:25 PM

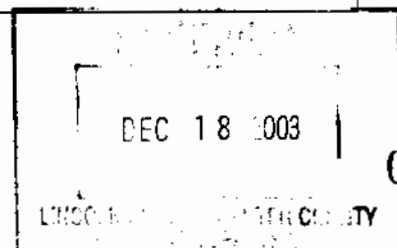
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: need site utility plan showing fire hydrants.

Current Codes In Use Relating to Construction Development In the City of Lincoln:

2000 International Building Code and Local Amendments
2000 International Residential Code and Local Amendments
1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
1989 Fair Housing Act As Amended Effective March 12, 1989
1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
1999 National Electrical Code and Local Amendments
1997 Uniform Mechanical Code and Local Amendments
1994 Lincoln Gas Code
1994 NFPA 101 Life Safety Code
2000 Uniform Fire Code and Local Amendments
Applicable NFPA National Fire Code Standards



Hartland's Cardinal Heights 2nd Original Addition
Estimated Impact Fee Equivalent
Using January 1, 2004 Impact Fee Schedule

HW2fee.123
Calculated December 19, 2003

	Dwelling Units	Number of Meters	Water Meter Size	Total Impact Fees				
				Water System	Water Distribution	Waste-water	Arterial Street	Park & Trail
Single Family Detached	31	31	3/4"	\$14,353.00	\$8,897.00	\$11,825.00	\$45,973.00	\$5,963.00
Single Family Detached	15	15	1"	\$11,575.00	\$7,175.00	\$9,375.00	\$22,245.00	\$2,895.00
Single Family Attached	28	28	3/4"	\$12,038.00	\$7,482.00	\$9,750.00	\$20,358.00	\$4,212.00
Multi-Family	0	0	6"	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Dwelling Unit Subtotal	72							
	Floor Area							
No Commercial Development in Plat	0	0		\$0.00	\$0.00	\$0.00	\$0.00	n/a
	0	0		\$0.00	\$0.00	\$0.00	\$0.00	n/a
	0	0		\$0.00	\$0.00	\$0.00	\$0.00	n/a
	0	0		\$0.00	\$0.00	\$0.00	\$0.00	n/a
	0	0		\$0.00	\$0.00	\$0.00	\$0.00	n/a
	0	0		\$0.00	\$0.00	\$0.00	\$0.00	n/a
Floor Area Subtotal	0							
TOTAL				\$37,966.00	\$23,534.00	\$30,750.00	\$88,576.00	\$13,090.00

ARTERIAL STREET BY LAND USE CATEGORY
Beginning January 1, 2004

Land Use Type	Unit of Measure	Fee Per Unit
Residential		
Single-Family Detached	Dwelling	\$1,483.00
Single-Family Attached /Duplex	Dwelling	\$783.00
Multi-Family	Dwelling	\$903.00
Multi-Family Elderly/ Retirement	Dwelling	\$227.00
Mobile Home	Pad Site	\$814.00
Retail/Commercial		
Shopping Ctr (<100,000 sf)	1000 sq. ft.	\$2,178.00
Shopping Ctr (100,000-299,999 sf)	1000 sq. ft.	\$1,983.00
Shopping Ctr (300,000-499,999 sf)	1000 sq. ft.	\$1,894.00
Shopping Ctr (500,000-999,999 sf)	1000 sq. ft.	\$1,742.00
Shopping Ctr (1 million sf+)	1000 sq. ft.	\$1,685.00
Bank	1000 sq. ft.	\$4,204.00
Convenience Store with Gasoline Sales	1000 sq. ft.	\$2,752.00
Movie Theater	1000 sq. ft.	\$1,622.00
Restaurant, Fast Food	1000 sq. ft.	\$2,569.00
Restaurant, Sit-Down	1000 sq. ft.	\$2,430.00
Hotel/Motel	Room	\$530.00
Office/Institutional		
Office, General	1000 sq. ft.	\$2,178.00
Office, Medical	1000 sq. ft.	\$4,160.00
Hospital	1000 sq. ft.	\$1,048.00
Nursing Home	1000 sq. ft.	\$410.00
Church	1000 sq. ft.	\$644.00
Day Care Center	1000 sq. ft.	\$2,702.00
Elementary/Secondary School	1000 sq. ft.	\$240.00
Industrial		
Light Industrial/ Industrial Park	1000 sq. ft.	\$1,338.00
Manufacturing	1000 sq. ft.	\$1,073.00
Warehouse	1000 sq. ft.	\$758.00
Mini-Warehouse	1000 sq. ft.	\$221.00
Recreational		
Amusement Park	Acre	\$3,377.00
Bowling Alley	1000 sq. ft.	\$3,017.00
Golf Course	Hole	\$2,336.00
Golf Driving Range	Tee	\$1,073.00
Health Club	1000 sq. ft.	\$1,831.00
Miniature Golf Course	Hole	\$290.00

WATER SYSTEM FEE PER METER
Beginning January 1, 2004

Meter Size	SFEs/ Meter	Fee Per SFE	Fee Per Meter Size
3/4"	1.00	\$463	\$463.00
1"	1.67	\$463	\$771.67
1-1/2"	3.33	\$463	\$1,543.33
2"	5.33	\$463	\$2,469.33
3"	10.67	\$463	\$4,938.67
4"	16.67	\$463	\$7,716.67
6"	33.33	\$463	\$15,433.33
8"	53.33	\$463	\$24,693.33
10"	76.67	\$463	\$35,496.67

WATER DISTRIBUTION FEE PER METER
Beginning January 1, 2004

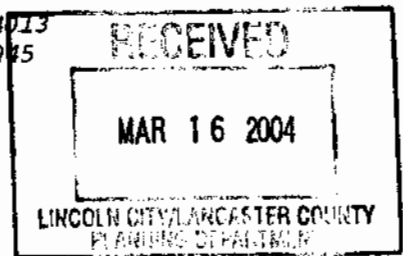
Meter Size	SFEs/ Meter	Fee Per SFE	Fee Per Meter Size
3/4"	1.00	\$287	\$287.00
1"	1.67	\$287	\$478.33
1-1/2"	3.33	\$287	\$956.67
2"	5.33	\$287	\$1,530.67
3"	10.67	\$287	\$3,061.33
4"	16.67	\$287	\$4,783.33
6"	33.33	\$287	\$9,566.67
8"	53.33	\$287	\$15,306.67
10"	76.67	\$287	\$22,003.33

WASTEWATER FEE PER METER
Beginning January 1, 2004

Meter Size	SFEs/ Meter	Fee Per SFE	Fee Per Meter Size
3/4"	1.00	\$375	\$375.00
1"	1.67	\$375	\$625.00
1-1/2"	3.33	\$375	\$1,250.00
2"	5.33	\$375	\$2,000.00
3"	10.67	\$375	\$4,000.00
4"	16.67	\$375	\$6,250.00
6"	33.33	\$375	\$12,500.00
8"	53.33	\$375	\$20,000.00
10"	76.67	\$375	\$28,750.00

NEIGHBORHOOD PARK & TRAIL FEE PER UNIT
Beginning January 1, 2004

	Fee Per Unit
Single Family Detached	\$193.00
Single Family Attached	\$162.00
Duplex	\$143.00
Multi-Family	\$114.00
Mobile Home (per pad site)	\$164.00



March 14, 2004

Lincoln-Lancaster Planning Department
555 South 10th St.
Suite 13
Lincoln NE 68508

RE: Hearing on Annexation No. 03008

Dear Planning Commission,

As an adjoining landowner to the proposed annexation I do not formally object to this proposed annexation. However, I do want to note for the record of this hearing that I own and operate a private airstrip next to the proposed annexation. The runway runs from the northwest to the southeast. Flights of departure and arrival fly over part of the proposed annexation and change of zone from Ag to residential.

The airstrip has been in use for some twenty five years. Several years ago LES proposed construction of a high voltage line across the south end of the runway but changed the route of the line due to the established runway. The land surrounding the runway is now in a CRP contract but the area of the runway is taken out of the CRP contract because of its specific use. Note the highlighted area on the map mailed to me. The green highlighted area is the runway. Although there is minimal use of the runway, it is in constant use and has a lighting system for night landings. For further confirmation of the existence of the airstrip which is known as "Chambers Airstrip" by the Lincoln control tower, feel free to contact the airport control tower at the Lincoln Airport. (402) 474 -3011.

Approach and departure flight paths can be made from the west so there is minimum activity over the proposed residential area but I do not want to have my airstrip shut down at some future time due to the housing. If the future property owners can agree to some type of waiver for the operation of the airstrip perhaps that would achieve the objective and not delay the change of zoning.

I ask that this letter and marked map be made a part of the record of the above mentioned hearing.

David L Chambers 2307 Stone Creek Loop S. Lincoln NE 68512

David L. Chambers

MEMORANDUM

TO: Planning Commission

FROM: Becky Horner, Planning

SUBJECT: Hartland's Cardinal Heights 2nd Addition SP #2045 *BH*

DATE: March 17, 2004

COPIES: Applicant
File

The private landing strip to the north of this proposal is not regulated by the State Aeronautics Department, and to our knowledge no other group. It is outside the city limits and exists as a pre-existing special permit, although, no pre-existing special permit has been assigned. The Law Department indicated that the rights to the landing strip remain, regardless of the proposed development. It would be advantageous of the landing strip owner to request a formal pre-existing special permit to establish a record of the use. The owner may continue the same use in perpetuity, if he desires to expand the use, the pre-existing special permit must be amended through a public hearing process.

In order to provide full information to the prospective buyers of the property, Planning Staff recommends the following condition be added to the staff report:

Revise the site plan to:

"Show a note on the site plan indicating the developer will disclose in the subdivision agreement that a private landing strip exists to the northwest of this property."

Additionally, since the preliminary plat was waived, the following standard subdivision conditions must be included:

3.3 Final Plats shall be approved by the City after:

3.3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street

name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

3.3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

- 3.3.2.1 to complete the street paving of NW 57th, NW 58th Streets, W. Partridge Lane and W. Thatcher Lane, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.
- 3.3.2.2 to complete the installation of sidewalks along both sides of NW 57th, NW 58th Streets, W. Partridge Lane, W. Thatcher Lane and along the west side of NW 56th Street as shown on the final plat within four (4) years following the approval of the final plat.
- 3.3.2.3 to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- 3.3.2.4 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- 3.3.2.5 to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- 3.3.2.6 to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.
- 3.3.2.7 to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
- 3.3.2.8 to complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.

- 3.3.2.9 to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- 3.3.2.10 to complete the installation of the street name signs within two (2) years following the approval of the final plat.
- 3.3.2.11 to complete the installation of temporary turnarounds and barricades located at the temporary dead-end of NW 57th, NW 58th Streets, W. Partridge Lane and W. Thatcher Lane within two years following the Planning Commission's approval of this final plat.
- 3.3.2.12 to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 3.3.2.13 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 3.3.2.14 to complete the public and private improvements shown on the Community Unit Plan.
- 3.3.2.15 to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.3.2.16 to submit to the lot buyers and home builders a copy of the soil analysis.
- 3.3.2.17 to pay all design, engineering, labor, material, inspection, and other improvement costs.

- 3.3.2.18 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.3.2.19 to protect the trees that are indicated to remain during construction and development.
- 3.3.2.20 to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- 3.3.2.21 to relinquish the right of direct vehicular access from Lot(s) 1-18, Block 1 and Lot 1, Block 2 to NW 56th street.
- 3.3.2.22 to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.
- 3.3.2.23 to disclose to potential purchasers that a private landing strip exists to the northeast of this property.